

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on June 15, 2004 at 7:03 p.m. after a 6:30 p.m. caucus session.

Mayor Pro-Tem Schilling presiding.

Mayor Pro-Tem Schilling led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Mayor Pro-Tem David Schilling, Absent Mayor David E. Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve the minutes of the regular meeting held on June 1, 2004.

Mayor Pro-Tem Schilling opened the floor for discussion. No discussion.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve the department report of the Fire Department for the month of May.

Mayor Pro-Tem Schilling opened the floor for discussion. No discussion.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve the bills and payroll for the first half of June.

Bills and Payroll

General Fund

Payroll		\$ 254,254.22
Bills		<u>\$ 60,060.98</u>
	Total	\$ 314,315.20

Hotel Tax Fund

Payroll		\$ 1,391.23
Bills		<u>\$ 178.90</u>
	Total	\$ 1,570.13

Festival Management

Bills		<u>\$ 891.91</u>
	Total	\$ 891.91

Insurance & Tort Judgment

Bills		<u>\$ 8,351.52</u>
		\$ 8,351.52

Capital Project

Bills		\$ 7,462.82
	Total	\$ 7,462.82

Water Fund

Payroll		\$ 38,831.11
Bills		\$ 132,289.35
	Total	\$ 171,120.46

Sewer Fund

Payroll		\$ 41,514.71
Bills		\$ 12,665.62
	Total	\$ 54,180.33

Cemetery Fund

Payroll		\$ 2,235.11
Bills		\$ 6,617.70
	Total	\$ 8,852.81

Health Insurance

Bills		\$ 102,871.15
	Total	\$ 102,871.15

Motor Fuel Tax

Bills		\$ 10,875.46
	Total	\$ 10,875.46

Revolving Loan

Bills		\$ 360.00
	Total	\$ 360.00

Water Fund

Bills		\$ 220.00
		\$ 220.00

Mayor Pro-Tem Schilling opened the floor for discussion. No discussion.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Commissioner Donnell seconded by Commissioner Hesse moved to approve Substitute Ordinance 2004-5181, prohibiting parking on the 2700 Block of South 19th Street from the southern terminus of the pavement north a distance of 250 feet (commonly stated: no parking South of Bauer's Auction southern-most entrance) on both sides of the street.

**CITY OF MATTOON, ILLINOIS
(Substitute)**

ORDINANCE NO. 2004-5181

AN ORDINANCE PROHIBITING PARKING ON BOTH SIDES OF THE 2700 BLOCK OF SOUTH 19th STREET

Near Bauer General Auction and Ronchetti Dist. Co.

BE IT ORDAINED by the City Council of the City of Mattoon, Coles County, Illinois as follows:

Section 1. Schedule I of Chapter 75 of the City of Mattoon Code of Ordinances is hereby amended by the addition of the following parking

<u>No Parking</u>				
<i>STREET</i>	<i>DESCRIPTION</i>	<i>SIDE</i>	<i>ORD. NO.</i>	<i>DATE</i>
South 19 th Street	The 2700 Block of South 19 th Street from the southern terminus of the pavement north a distance of 250 feet on both sides.	West & East	2004-5181	6-15-04

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Donnell, seconded by Commissioner Hesse, adopted this 15th day of June, 2004, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,
 Commissioner Hesse, Mayor Pro-Tem Schilling

NAYS (Names): None

ABSENT (Names): Mayor Carter

Approved this 15th day of June 2004.

/s/David R. Schilling

David R. Schilling, Mayor Pro-Tem
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on June 16th, 2004.

Mayor Pro-Tem Schilling opened the floor for discussion. Commissioner Donnell on the section involving the turning off of 19th Street requested additional follow-up. Bob Leonard inquired about parking for Bauer's Auction. Council believed there would be ample parking for Bauer's Auction. Council considered a stop sign at the intersection.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Mayor Pro-Tem Schilling seconded by Commissioner Gambill moved to adopt Special Ordinance 2004-1033, authorizing a lease of former railway right-of-way south of Commercial Avenue with Illinois Plumbing & Heating.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1033

AN ORDINANCE AUTHORIZING A LEASE OF FORMER RAILWAY RIGHT OF WAY TO ILLINOIS PLUMBING AND HEATING SUPPLY

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Mayor and City Clerk are authorized to sign a "Lease of Former Railway Right of Way", a copy of which is attached and incorporated herein by reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Pro-Tem Schilling, seconded by Commissioner Gambill, adopted this 15th day of June, 2004, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Donnell, Commissioner Gambill</u> <u>Commissioner Hesse, Mayor Pro-Tem Schilling</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Mayor Carter</u>

Approved this 15th day of June, 2004.

/s/ David R. Schilling

David R. Schilling, Mayor Pro-Tem
Mattoon, Coles County, Illinois

City of

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on June 16th, 2004.

LEASE OF FORMER RAILWAY RIGHT OF WAY

THIS AGREEMENT made this 15th day of June, 2004, by and between the **CITY OF MATTOON, COLES COUNTY, ILLINOIS**, a Municipal Corporation, (hereinafter "Lessor") and **GARY INGRAM, INC. D/B/ A ILLINOIS PLUMBING AND HEATING SUPPLY** (hereinafter "Lessee").

WHEREAS, Lessor has certain property rights in the former C.C.C. & St. Louis Railway right-of-way generally running 25' south of Lots 15-21 in Block 12 of Noyes Addition in the City of Mattoon, Coles County, Illinois; and,

WHEREAS, Lessor's ownership interest is subject to an easement for right-of-way retained by CENTRAL ILLINOIS PUBLIC SERVICE, now AMEREN CIPS; and

WHEREAS, Lessee is fully aware of the state of title held by Lessor and is fully aware that AMEREN CIPS continues to have an interest in the former railway right-of-way which is the subject matter of this Lease and Lessee has fully satisfied itself with respect to the extent of that interest; and,

WHEREAS, Lessee is fully aware that AMEREN CIPS may, at some time during the term of this Lease, disturb Lessee's use of that portion of the former railway right-of-way which is the subject matter of this Lease; and,

WHEREAS, any interest which Lessor proposes to lease to Lessee under this Lease agreement is subject to the rights and interests of AMEREN CIPS; and,

WHEREAS, Lessee, in spite of the continuing interest of AMEREN CIPS in the former railway right-of-way, a portion of which is the subject matter of this Lease, desires to lease from Lessor a portion of that right-of-way for constructing a fence to enclose outside storage of supplies and equipment incidental to its commercial operations; and,

WHEREAS, Lessee has an annual payroll excess of \$300,000 and generates more than \$100,000 of annual sales tax revenue for the state and the municipality; and,

WHEREAS, Lessor deems that it is in the public interest that a portion of the former railway right-if way be leased to

Lessee for economic development to enable the Lessee to grow its business, retain and create jobs.

NOW, in consideration of the forgoing recitals, the mutual promises and the consideration provided for herein, the parties hereto agree as follows:

1. Lessor shall lease the Lessee the following-described premises containing 4,062.5 square feet as shown on a plat of survey, attached and incorporated herein by reference:

Part of the former C.C.C. & St. Louis Railway right of way adjoining Block 112 of Noyes' Addition to the City of Mattoon, Coles County, Illinois, described as follows: beginning at the Southwest corner of the East ½, of Lot 21 in Block 112 of Noyes' Addition; thence N.75°27'37"E.-162.50 feet along the North line of said railway right of way; thence S.14°32'23"E.-25.00 feet; thence S.75°27'37"W.-162.50 feet; thence N.14°32'23"W.-25.00 feet to the point of beginning.

2. Lessee shall pay to Lessor the sum of TWO HUNDRED FIFTY DOLLARS (\$250.00) upon the execution of this Lease to reimburse Lessor for its appraisal costs and ONE HUNDRED FIFTY DOLLARS (\$150.00) per year commencing July 1, 2004, with like sum due on the first day of July of each subsequent year until this Lease has expired or is terminated.

3. The Term of this Lease is for twenty (20) years, beginning July 1, 2004. Should Lessee hold over in its possession the described premises with out a formal extension of the term of this lease, this Lease shall continue on a year-to-year term.

4. Lessee's use of the described premises shall be limited to the outside storage of supplies and equipment incidental to its commercial operations. Lessee does not have the right to construct any structures of any type upon the described premises, except for a fence to provide security for the storage of supplies and equipment. Lessee covenants that upon the termination of the Lease, the described premises will be in as good a condition as when it was entered upon by Lessee.

5. Lessee covenants that the described premises will be used in a manner consistent with all local, state and federal law. The breach of this covenant shall result in an immediate termination of this Lease without necessity of notice from Lessor to Lessee and Lessor shall have the immediate right to re-enter the premises and take possession thereof.

6. Lessee agrees, notwithstanding any other provision of this Lease, that Lessee shall abandon any portion of the premises described in paragraph 1, hereof, within twelve (12) months of the receipt of written notice to abandon served upon it by Lessor.

7. Lessee shall not assign its rights under this Lease to any third party without the prior written consent of Lessor.

ENTERED into the day and date first-above written.

CITY OF MATTOON, COLES COUNTY, ILLINOIS A MUNICIPAL CORPORATION

BY: David R. Schilling

David R. Schilling Mayor Pro-Tem

ATTEST:

/s/ Susan J. O'Brien

CITY CLERK

**GARY INGRAM, INC. D/B/A
ILLINOIS PLUMBING AND HEATING SUPPLY**

BY: /s/ Gary Ingram

Gary Ingram, President

Mayor Pro-Tem Schilling opened the floor for discussion. City Administrator Richard Underkofler explained negotiations with lessee, lessee's reimbursement for appraisal, and seven and a half percent of appraised value per year as payment. Council discussed the formula and property's water lines.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Mayor Pro-Tem Schilling seconded by Commissioner Gambill moved to adopt Special Ordinance 2004-1034, authorizing the mayor and city clerk to sign a quit claim deed conveying Lake Mattoon real estate known as Camp New Hope to Camp New Hope, Inc. as authorized by a 1987 agreement approved and adopted by the City Council.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2004-1034

A SPECIAL ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN A QUIT CLAIM DEED CONVEYING LAKE MATTOON REAL ESTATE KNOWN AS CAMP NEW HOPE TO CAMP NEW HOPE, INC., AS AUTHORIZED BY A 1987 AGREEMENT APPROVED AND ADOPTED BY THE CITY COUNCIL

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The Mayor and City Clerk are authorized to sign a quit claim deed conveying Lake Mattoon real estate known as Camp New Hope, and legally described in the attached Quit claim deed, to Camp New Hope, Inc. (f/k/a The Parent Group for the Mentally Retarded, Inc.), a copy of which is attached and incorporated herein by reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Pro-Tem Schilling, seconded by Commissioner Gambill, adopted this 15th day of June, 2004, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Donnell, Commissioner Gambill</u> <u>Commissioner Hesse, Mayor Pro-Tem Schilling</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Mayor Carter</u>

Approved this 15th day of June, 2004.

/s/ David R. Schilling

David R. Schilling, Mayor Pro-Tem
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

Susan O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on June 16, 2004.

QUITCLAIM DEED

Grantor, the City of Mattoon, a municipal corporation, duly organized and existing under and by virtue of the laws of the State of Illinois, and duly authorized to transact business in the State where the following real estate is located, for consideration, the receipt of which is hereby acknowledged, and pursuant to authority given by the Commissioners of said City, Conveys and Quitclaims to Camp New Hope, Inc. (f/k/a Parent Group for the Mentally Retarded, Inc.), Grantee, the following described real estate:

Part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) and part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW1/4) of Section 29, Township 11 North, Range 7 East of the 3rd Principal Meridian, Cumberland County, Illinois, described as a whole as follows: Beginning at the northwest corner of the SW1/4 of the NW1/4 of said Section 29; thence North 88 degrees 44 minutes 50 seconds East (bearing based on grid meridian, Illinois Plan (Coordinate System. East Zone, NAD27) 1334.16 feet along the north line of the SW1/4 of said NW1/4 to the northeast corner of said SW1/4 NW1/4; thence South 00 degrees 42 minutes 36 seconds West 58.60 feet along the east line of said SW1/4 NW1/4 to the north line of Vickie's Hide-Away Addition; thence South 88 degrees 44 minutes 50 seconds West 41.51 feet to a 1/2" iron rod with plastic cap marked PLS 2054 being the northwest corner of Vickie's Hide-Away Addition; thence South 00 degrees 42 minutes 36 seconds West 534.90 feet along the west line of Vickie's Hide-Away Addition to a 1/2" iron rod with plastic cap marked PLS 2054 on the border of Lake Mattoon; thence along said border South 54 degrees 16 minutes 29 seconds West 177.71 feet and North 48 degrees 30 minutes 24 seconds West 167.11 feet and South 02 degrees 32 minutes 15 seconds East 168.95 feet and South 19 degrees 03 minutes 24 seconds West 182.14 feet and South 65 degrees 23 minutes 21 seconds West 230.00 feet and South 14 degrees 48 minutes 33 seconds East 139.92 feet and South 78 degrees 49 minutes 48 seconds West 204.78 feet and South 29 degrees 39 minutes 12 seconds East 230.04 feet and South 03 degrees 37 minutes 11 seconds East 70.88 feet and North 61 degrees 51 minutes 32 seconds West 491.40 feet and South 33 degrees 41 minutes 10 seconds East 294.06 feet to a point North 87 degrees 34 minutes 32 seconds East 410.82 feet from a 1/2" iron rod with plastic cap marked PLS 2054 on the east line of the right-of-way of F.A.S. Route No. 674; thence South 87 degrees 34 minutes 32 seconds West 451.18 feet to the west line of the SW1/4 of said Section 29; thence North 00 degrees 02 minutes 31 seconds West 317.84 feet to the southwest corner of the NW1/4 of said Section 29; thence North 00 degrees 40 minutes 33 seconds East 1155.00 feet along the west line of said

NW1/4 to the point of beginning containing 34.002 acres. TOGETHER WITH that portion of adjoining land bounded on the west by the easterly prolongation of that course cited above as “North 87 degrees 34 minutes 32 seconds East 410.82 feet from a ½”iron rod with plastic cap marked PLS 2054 on the east line of the right-of-way of F.A.S. Route No. 674 and bounded on the south by the shoreline of Lake Mattoon (spillway elevation of 633 feet, mean sea level datum), and bounded on the east by the west line of Vickie’s Hide-Away Addition.

SUBJECT TO the use of a triangular portion approximately 1114.70 feet by 58.60 feet by occupants of land adjoining on the north by reason of said portion being occupied to the north line of a public road.

This Deed is given pursuant to and by the authority of certain resolutions duly offered and passed at regular meetings of the City Council of the City of Mattoon, on June 16, 1987 and June 15, 2004 and an Agreement entered into between the parties on June 2, 1987, certified copies of said resolutions and a copy of the agreement being attached hereto and made part of this deed.

In witness whereof the City of Mattoon has caused its name to be signed hereto and its corporate seal to be affixed by Susan O’Brien, City Clerk, and David E. Carter, the duly elected, qualified and acting Mayor of the City of Mattoon.

Dated this the 16th day of June 2004.

City of Mattoon, Illinois, a municipal corporation,

Attest

By: /s/ David E. Carter
David E. Carter, Mayor

By: /s/ Susan J. O’Brien
Susan J. O’Brien, City Clerk

Mail Future Tax Bills To:

This Deed Prepared By:

Camp New Hope, Inc.
P.O. Box 764
Mattoon, Illinois 61938

J. Preston Owen
City Attorney & Treasurer
City of Mattoon
208 North 19th Street
Mattoon, Illinois 61938

TITLE NOT EXAMINED

Mayor Pro-Tem Schilling opened the floor for discussion. Council discussed the return of the property to the City if Camp New Hope ceased to operate as recorded in the quitclaim deed.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve Council Decision Request 2004-321, authorizing a budget revision and a \$220,000 procurement from Midwest Meter, Inc for 2,000 additional radio read water meters at the same unit prices as the low bid offered by Midwest Meter in 2002. This expenditure would be equally shared between the Water and Sewer Funds.

Mayor Pro-Tem Schilling opened the floor for discussion. Council with input from Public Works Director David Wortman, Utilities Superintendent Chris Hartbank, Administrator Underkofler, and Attorney Owen discussed the water meters installation, pricing of meters, efficiency of readings, and future costs and purchases of the water meters.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to approve Council Decision Request 2004-322, approving notice of an ordinance to be considered August 3, 2004 that would authorize sale of the Youth Cabin structures on the west side of Lake Paradise and a lease of the 1.189-acre site to the best bidder.

Mayor Pro-Tem Schilling opened the floor for discussion. Administrator Underkofler reviewed the lease rate at \$937.50 per year for a term of 50 years, which was 7.5% of the appraised value of the property. Director Wortman reiterated that the lands were to be wetlands and not lake property. Citizen Bob Leonard inquired the availability for inspecting the property with Administrator Underkofler referring him to Parks Superintendent Kurt Stretch.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve Council Decision Request 2004-323, authorizing a \$1,662.50 grant from hotel/motel tax funds recommended by the Tourism Advisory Committee to the Lincoln Sargent Farm Foundation for advertising of the Lincoln Log Cabin.

Mayor Pro-Tem Schilling opened the floor for discussion. No discussion.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Commissioner Donnell seconded by Commissioner Gambill moved to approve Council Decision Request 2004-324, approving the appointment of Robert Newlin to the Sexton position at Dodge Grove Cemetery.

Mayor Pro-Tem Schilling opened the floor for discussion. No discussion.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter

Mayor Pro-Tem Schilling opened the floor for public discussion. There was no public discussion.

Mayor Pro-Tem Schilling seconded by Commissioner Gambill moved to adjourn to executive session at

7:25 p.m. to discuss matters that may lawfully be discussed in closed session: topics pertaining to personnel, real estate or potential litigation, including a grievance filed by Mattoon AFSCME Local 3821 seeking reinstatement of an employee terminated by the Public Works Director; Council ratification or rejection of the management termination decision; grievance filed by Mattoon AFSCME Local 3821 seeking more proficiency training opportunities for advancement to higher pay grades; and review of performance appraisal report for Susan O'Brien, City Clerk.

Council reconvened at 8:50 p.m.

Commissioner Gambill seconded by Commissioner Donnell moved to ratify the employee terminated by the Public Works Director.

Mayor Pro-Tem Schilling opened the floor for discussion. No discussion.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

Mayor Pro-Tem Schilling seconded by Commissioner Donnell moved to adjourn at 8:53 p.m.

Mayor Pro-Tem Schilling declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Pro-Tem Schilling, Absent Mayor Carter.

/s/ Susan J. O'Brien
City Clerk